

**ORDINANCE NO. 08-04**

**CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA**

**AN ORDINANCE ENACTING  
WEST ST. PAUL CITY CODE SECTION 700.20  
REGARDING PROHIBITING DISCHARGE OF CLEAR WATER DRAINAGE**

The City Council of West St. Paul does ordain:

**SECTION 1. ENACTMENT.** West St. Paul City Code Section 700.20 is hereby enacted as follows:

**700.20 Discharge of Prohibited Substances; Sump Pumps**

Subd. 1. Definitions. "Clear water drainage" for the purpose of this section is defined as storm water, natural precipitation, ground water, or flow from roof runoff, surface runoff, subsurface drainage, down spouts, eave troughs, rainspouts, yard drains, sump pumps, foundation drains, yard fountains, ponds, cistern overflows or water discharged from any non-residential air conditioning unit or system.

Subd. 2. Prohibited Discharges. No person shall directly or indirectly discharge, or permit to be discharged any clear water drainage into the City's sanitary sewer system.

Subd. 3. Prohibited Connections. No person shall make or maintain a connection between any conductor used to carry clear water drainage and the City's sanitary sewer system.

Subd. 4. Sump Pumps. Dwellings and other buildings and structures that require a sump pump system to discharge excess water because of the infiltration of water into basements, crawl spaces and the like shall have a permanently installed discharge line that complies with the following:

- a. It shall not any time discharge water into the City's sanitary sewer system;
- b. It shall provide for year-round discharge capability to either the outside of the dwelling, building or structure, to the City's storm sewer system or over the curb and gutter to the street; and
- c. It shall consist of a rigid discharge line inside the dwelling or building, without any connections for altering the path of discharge, and if connected to the City's storm sewer line must include a check valve.

Subd. 5. Inspections. For the purpose of complying with the Met Council's directive to eliminate clear water drainage into the sanitary sewer, the Public Works Director, or his or her designee (the "inspector") is authorized to conduct inspections of improved real estate that discharges into the City's sanitary sewer system for the limited purposes of confirming that there is no sump pump or other prohibited discharge of clear water drainage.

- a. Notice. The inspector, prior to making the inspection, will inform the owner and occupants of the premises of the need for an inspection by letter. All inspections provided for in this section must be at times that are reasonably convenient for ordinary citizens.
- b. Access. After written notice has been sent, the owner or occupant must give the inspector access within 30 days of the postmarked date of the notice for the purposes of the inspection required in this section.
- c. Emergency Access. The inspector must be allowed immediate entry at any time when an actual emergency exists tending to create an immediate danger to the public health and safety.
- d. Application for a Search Warrant. If a property owner refuses to allow an inspection, the City may apply to the district court for an appropriate administrative search warrant.
- e. Re-inspections. A property that is found to be not in compliance with this section is subject to re-inspections to confirm that the property is subsequently brought into compliance.

Subd. 6. Violations. When the inspector determines that there has been a violation of any provision of this section, the inspector will give notice of the violation to the owner and occupant in writing and allow up to 180 days to correct the violation, unless more time is granted by the City Council.

Subd. 7. Surcharge. A monthly surcharge of \$50 for single family properties and a surcharge of \$300 for all other properties shall be added to each sewer and water bill if:

- a. An owner whose property was found in violation of this section did not make the necessary changes and furnish proof of those changes to the City within 180 days or such other time frame as stated in the notice of violation; or
- b. There has been a reconnection of a previously disconnected prohibited discharge. If a property is certified in compliance with this Section and the same owner is later found to have reconnected to the municipal sanitary sewer system, the property owner will be subject to the surcharge for all months between the last two inspections. If there has been a change in ownership, then the new owner shall be given a notice of violation and allowed up to 180 days to comply.

The surcharge shall be added for every month during which the property is not in compliance.

Subd. 8. Temporary waiver. The Public Works Director may allow or require a temporary waiver from the provisions of this section when strict enforcement would cause a threat of damage to other property, the environment, or public safety because of circumstances unique to the individual property. A written request for a temporary waiver must be first submitted to the Public Works Director specifying the reasons for the request. If a waiver is required or granted, the property owner must pay an additional fee for sanitary sewer services based on the number of gallons discharged into the sanitary sewer system, as estimated by the Public Works Director.

The Public Works Director may terminate the waiver upon a failure to comply with any conditions imposed in the temporary waiver or may take appropriate legal action to enforce those conditions. After expiration or termination of a temporary waiver, the property owner must comply with the provisions of this section.

Subd. 9. Public Nuisance. An owner or occupant who has done work that does not comply with this section, who reconnects to a previously disconnected prohibited discharge or who has failed to do the work required by this section within the time limit given by the inspector will be deemed to have created a Public Nuisance subject to abatement and assessment, as provided in City Code Section 2010.

Subd. 10. Remedies. The remedies provided in this section do not limit the right of the City to pursue any other available legal remedy.

**SECTION 2. AMENDMENT.** West St. Paul City Code Section 700.07 is hereby amended as follows:

**700.07. Certain Uses Prohibited.** The following substances shall not be discharged into any public sanitary sewer:

Subd. 1. Steam exhaust or blow off.

~~[Subd. 2. Rain or surface water by means of having a rainspout or other drainage device connected with the sanitary sewer.]~~


Subd. ~~[3]~~ 2. Waste containing naphtha, gasoline, or other inflammable liquids.

Subd. ~~[4]~~ 3. Refuse from butcher shops, rendering establishments, packing houses and other industrial establishments. Some form of catch basin or grated shop basin must catch such refuse.

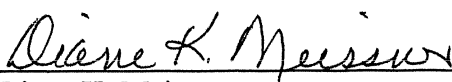
Subd. ~~[5]~~ 4. Refuse, solid or liquid, of any character, quality, or nature that will unreasonably interfere with the ordinary treatment processes of any sewage treatment plant used by the City.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 14th day of April, 2008.

  
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John A. Zammiller, Mayor

Attest:

  
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Diane K. Meissner  
Deputy City Clerk

Introduced:	1/14/08
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